

**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 2681**

Attorney's Docket No. 9134-32CT

PATENT

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4/b/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dhuler Group Art Unit: 2834
Serial No.: 09/891,700 Examiner: D. Le
Filed: June 26, 2001 Confirmation No.: 2751
For: MICROELECTROMECHANICAL DEVICE HAVING SINGLE
CRYSTALLINE COMPONENTS AND METALLIC COMPONENTS FAX COPY RECEIVED

June 4, 2002

JUN 04 2002

Box AF
Commissioner for Patents
Washington, DC 20231

TECHNOLOGY CENTER 2800

RESPONSE AFTER FINAL

Siri:

This communication is responsive to the Final Official Action mailed April 8, 2002. Applicant is further submitting concurrently herewith and attached hereto a declaration establishing common ownership for the present application and United States Patent No. 6,137,206 to Hill ("the '206 patent").

REMARKS

Pending Claims 1, 2, 6-11, 35, 36, 40 and 42-44 stand rejected as obvious over the '206 patent in view of United States Patent No. 5,355,712 to Petersen et al. ("the '712 patent"). Applicant submits that the rejections should be withdrawn for the reasons set forth in Applicant's prior Amendment mailed February 14, 2002, which is incorporated herein in its entirety by reference. However, to expedite issuance of the present application, Applicant notes the following. The '206 patent identifies Cronos Integrated Microsystems, Inc. ("Cronos") as the assignee. The present application was filed on June 26, 2001 as a divisional of United States patent application No. 09/383,053 ("parent application"), filed before the issue date of the '206 patent. Copies of the assignments of the parent application from Dhuler to MCNC, from MCNC to Cronos and from Cronos to JDS Uniphase ("JDSU") are attached hereto for the Examiner's reference. In addition, to avoid any confusion over common ownership, a copy of the declaration of Neil Teitelbaum is attached hereto showing that all of

In re: Wallstedt
Serial No. 09/163,810
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the interests of Cronos in both the present application and the '206 patent now rest in JDS Uniphase ("JDSU") as a result of JDSU's acquisition of Cronos. Accordingly, the '206 patent cannot be applied as a 102(e)/103 reference against the present application. See M.P.E.P. ¶706.02(l)(2). Therefore, the present rejections should be withdrawn.

Conclusion

For the reasons discussed above, Applicant respectfully submits that the present case is in form for allowance. Accordingly, Applicant requests allowance of the pending claims and passing of this application to issuance.

Respectfully submitted,



Robert W. Glatz
Registration No. 36,811

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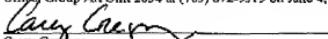
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office Group Art Unit 2834 at (703) 872-9319 on June 4, 2002.


Carey Gregory
Date of Signature: June 4, 2002
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